



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

August 6, 2024

By ECF

Hon. Stewart D. Aaron
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Burton v. United States*, Case No. 18 CV 2039 (JHR) (SDA)

Dear Judge Aaron:

This Office represents the remaining defendants (the “Government”)¹ in this matter, which arises from the death of Franklin Sanchez, a Colombian national who died while in custody at the MCC in March 2015. This matter is before Your Honor for all general pretrial matters. We write respectfully, with Plaintiffs’ consent, to seek an eight-day extension of the fact discovery deadline, from August 14, 2024, to August 22, 2024, for the purpose of rescheduling a Rule 30(b)(6) deposition that is currently scheduled for August 8, 2024. While the Court previously instructed that no further extensions of the scheduling order would be granted except for exigent circumstances and limited purpose (ECF No. 147), the Government believes such circumstances are present, for the reasons explained below.

The undersigned learned today that counsel for the Bureau of Prisons (“BOP”) who has been primarily handling this matter was diagnosed last week with cancer and, due to medical care that is being scheduled for this week, likely cannot attend the Rule 30(b)(6) deposition on August 8, 2024, as planned or participate as anticipated in witness preparation. The Government has confirmed that the designated Rule 30(b)(6) witness is available on August 22, 2024, and that date is acceptable to Plaintiffs’ counsel. While BOP counsel’s availability over the next few weeks is in flux, rescheduling the deposition would permit her to participate in witness preparation and potentially attend the deposition. This is the sixteenth request for modification of the discovery schedule, and the Court has granted the prior requests, with the exception of Plaintiffs’ pending request for further discovery relating to preservation of electronically stored information (ECF No. 154). This eight-day extension would not impact any other scheduled dates.

¹ Specifically, this Office represents defendant the United States of America, which is sued under the Federal Tort Claims Act, and defendants Anthony Bussanich, Robert Beaudouin, Ysmael Joaquin, Kimberly Shivers, Lorenzo Barazza, Gerald Castillo, Wilson Silva, Quentin Holzendorf, Terrence Thomas, Rosalind Silvia, and Shaadiq Shakir, who are current or former employees of the Bureau of Prisons sued in their individual capacity under *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971).

We thank the Court for its consideration of this request.

Respectfully,

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Southern District of New York

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